

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HANGZHOU CHIC INTELLIGENT)	
TECHNOLOGY CO., LTD. and UNICORN)	
GLOBAL, INC.,)	
)	
Plaintiffs,)	Case No.: 20-cv-4806
)	
v.)	Judge Thomas M. Durkin
)	Magistrate Judge Jeffrey Cole
THE PARTNERSHIPS AND)	
UNINCORPORATED ASSOCIATIONS)	
IDENTIFIED ON SCHEDULE A,)	
)	
Defendants.)	
)	

**DECLARATION OF ARTHUR TAN-CHI YUAN
IN SUPPORT OF A MOTION TO SHOW CAUSE**

I, Arthur Tan-Chi Yuan, declare as follows:

1. I am one of the attorneys for Plaintiffs Hangzhou Chic Intelligent Technology Co. and Unicorn Global, Inc. and am an attorney licensed in Illinois.
2. I have personally reviewed all materials provided in the attached Exhibits and have firsthand knowledge of the statements below. If called as a witness, I could and would testify to the statements made herein.
3. Plaintiffs first received balances of the restrained assets, including Gyroor US's, from Amazon.com on or about October 21, 2020.
4. Plaintiffs next received a first update to the balances of the restrained assets, including Gyroor US's, from Amazon.com on or about January 6, 2021. Exhibit 1 is a true and accurate reproduction of the reporting provided by Amazon.com.

5. Plaintiffs next received a second update to the balances of the restrained assets, including Gyroor US's, from Amazon.com on or about January 18, 2021. Exhibit 2 is a true and accurate reproduction of the reporting provided by Amazon.com.

6. Plaintiffs further received a third update to the balances of the restrained assets, including Gyroor US's, from Amazon.com on or about February 17, 2021. Exhibit 3 is a true and accurate reproduction of the reporting provided by Amazon.com.

7. The updates received indicated that the balance of Gyroor US's account was reduced by about \$30,000.00 between January 6 and February 17.

8. Upon identifying this reduction, Plaintiffs began its routine request to Amazon.com to provide an explanation for this reduction (and other reductions) and an update on the balances.

9. Between February to May, Plaintiffs sent over ten requests to Amazon.com yet Amazon.com did not provide an update to the balances.

10. Then, in June Plaintiffs sent about 15 emails requesting an update, but Amazon.com continued to not provide an update to the balances.

11. On July 1, 2021, Plaintiffs finally received a response from Amazon.com updating on the balances of the frozen accounts as of June 25, 2021. Exhibit 4 is a true and accurate reproduction of the reporting provided by Amazon.com. The paragraphs below show a summary of the reduction of balances reflected on the dates reported by Amazon.com:

a. Gyroor US

Date reported	January 6, 2021	February 17, 2021	June 25, 2021
Amount in Amazon Account (USD)	\$1,342,732.87	\$1,311,860.43	\$1,198,413.36
Differences (to previous balance)	-	- \$30,872.44	- \$113,447.07

Total differences from Gyroor US: - **\$144,319.51**.

b. Gyroor

Date reported	February 17, 2021	June 25, 2021
Amount in Amazon Account (USD)	\$39,369.62	\$24,558.39
Differences to previous balance		- \$14,811.23

c. Urbanmax

Date reported	February 17, 2021	June 25, 2021
Amount in Amazon Account (USD)	\$3,538.01	\$1,533.60
Differences to previous balance		- \$2,004.41

d. Fengchi-US

Date reported	February 17, 2021	June 25, 2021
Amount in Amazon Account (USD)	\$28,783.72	\$19,940.61
Differences to previous balance		- \$8,843.11

e. Jiangyou-US

Date reported	February 17, 2021	June 25, 2021
Amount in Amazon Account (USD)	\$121,487.98	\$116,775.81
Differences to previous balance		- \$4,712.17

f. Gyrorshoes

Date reported	January 18, 2021	June 25, 2021
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Amount in Amazon Account (USD)	\$16,032.38	\$11,344.73
Differences to previous balance		- \$4,687.65

12. Total reduction of balances in all accounts since January 6, 2021 is **\$179,378.08**.

13. In addition to the reduction of Amazon.com balances, Plaintiffs have also identified a number of offers for sale and sales activities since the entry of the modified preliminary injunction in December 2020.

14. For example, on January 4, 2021, Plaintiffs purchased an infringing product from www.gyroorboard.com and received a confirmation email titled “Thank you for your purchase” from the sender “GYROOR.” Another email address of service@gyroor.com (“Gyroor email address”) is provided for inquiries. Exhibit 5 is a true and accurate reproduction of the order receipt. Exhibit 5 also shows an image of the Gyroor-branded infringing product, which is in pink color of the identical product on page 24 the Hatch declaration (*i.e.*, the product under “Geeks” and “2013Tankstrong / Carrie_Yux_5 /Pauta60 /Skateboardstore2012 / SMG-store/ Strongjennie”). Dkt. [106-1].

15. Moreover, on July 1, 2021, Gyroor US was offering to sell at least two units of the same Gyroor-branded infringing product (as the one shown on page 24 of the Hatch Declaration, Dkt. [106-1]) on Amazon.com in violation of the Preliminary Injunction order. Exhibit 6 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com.

16. The infringing ASIN, based on the URL on Amazon.com, is B07GFK49QR, as shown in the footer of Exhibit 6.

17. However, as shown on page 4 of Exhibit 6, the same infringing product is also referenced by another ASIN: B07C3C861F. A consumer can identify the infringing product by

the ASIN B07C3C861F directly, as shown in the footer of Exhibit 7. Exhibit 7 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com.

18. Further, also shown on page 1 of Exhibits 6 and 7, on July 1, 2021, a pink variation of the same infringing product was also offering for sale to Illinois residents. Instead of being sold by Gyroor US, the store merchant that offered it for sale is “shanchun-us”. Exhibit 8 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com. The shanchun-US has an Amazon merchant ID of A2NUD2WSEZ9ZT. Exhibit 9 is a true and accurate reproduction of web capture that identifies the merchant information on Amazon.com.

19. In addition, the pink variant has its own separate ASIN: B07GFKZLD3, which is derived from the URL: <https://www.amazon.com/dp/B07GFKZLD3> after “https://www.amazon.com/dp/” in the footer of Exhibit 8. This shows that the pink variant of the same product may be affiliated with or associated with two different ASINs: B07GFKZLD3 and B07C3C861F.

20. That same merchant, shanchun-us, appears to be selling Gyroor-branded infringing products. On April 15, 2021, as shown in Exhibit 10, shanchun-us was selling the same product in black and pink shown in Exhibits 6 and 7, and Exhibit 10 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com.

21. Although these and the following stores may appear to be independent, they are connected via the ASINs of the products they sell or the logistics of these stores. For example, on June 21, 2021, Plaintiffs purchased an infringing product from the “baiboyuan-us” store.

Exhibit 11 is a true and accurate reproduction of web capture that identifies the merchant information on Amazon.com. Exhibit 12 is a true and accurate reproduction of web capture showing the order invoice provided Amazon.com. Upon receipt of the package, the label fails to show the item came from baiboyuan-us. Instead, it shows the item came from [R]unchenyun, a former defendant who was voluntarily dismissed in the present case. Exhibit 13 is a true and accurate reproduction of a picture showing the shipping label on the shipping box of the order from baiboyuan-us. The tracking number on the shipping label in Exhibit 13 is identical to the tracking number provided to Amazon.com (see also page 4 of Exhibit 12). In addition, as alleged in this suit, the store Runchenyun, Gyroor US and Jiangyou-US all sold infringing product having the same ASIN of B07PHFP8GB. This same infringing product is also identified on page 22 of the Hatch Declaration, Dkt. [106-1] under “Gyroor US”.

22. Through Gyroor US, more stores or merchants appear to be connected. For example, as of July 2, 2021, Gyroor US and guangzhouhourunzhoumaoyiyouxiangongsi are also selling the same pink variant as shown in Exhibits 6 and 7. Exhibits 14 and 15 are true and accurate reproductions of web captures showing the pink infringing product listing offered for sale by the named merchants Gyroor US and guangzhouhourunzhoumaoyiyouxiangongsi, respectively, on Amazon.com. Exhibit 16 is a true and accurate reproduction of a web capture that identifies the merchant information on Amazon.com.

23. Based on the above, the store guangzhouhourunzhoumaoyiyouxiangongsi, while appearing as a purportedly new and separate entity, seems to be either an affiliate with Gyroor US or working in concert with Gyroor US to sell infringing products. Further, Exhibit 17 is a true and accurate reproduction of web capture showing a number of Gyroor branded infringing product listings offered for sale by the named merchant on Amazon.com.

24. On July 7, 2021, after disappearing for about a week since Plaintiffs noticed Gyroor US was selling infringing product on July 2, 2021, Gyroor US relisted the pink variant infringing product by offering two items are available for sale. Exhibit 18 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com.

25. On May 20, 2021, Plaintiffs purchased an infringing product from Amazon.com under the store name zhonghongxin-us with the ASIN B07PG8VYBK, which was not identified in the Schedule A. Exhibit 19 is a true and accurate reproduction of web capture showing the order invoice provided Amazon.com, with redactions to remove address and payment information. This product, on July 8, 2021, showed a different store is selling the same product: xiangxiang-us. Exhibit 20 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com. Exhibit 21 is a true and accurate reproduction of web capture that identifies the merchant information on Amazon.com.

26. This particular infringing product, however, was also offered for sale by Gyroor US and a defaulted defendant xueweiweifuzhuangdian under a different ASINs: B07PHFP8GB and B08B4R7RTP, whose product description page is no longer available on Amazon.com. However, this product is identical and was identified on pages 22 (under Gyroor US) and 25 (under Xueweiweifuzhuangdian / Mijia_store) of the Hatch declaration. Dkt. [106-1].

27. Moreover, this ASIN B07PG8VYBK appears connected to other merchants selling the same product on Amazon.com. For example, on April 30, 2021, a merchant kangjuxin-us offered the same item for sale. Exhibit 22 is a true and accurate reproduction of web capture showing at least one product listing offered for sale by the named merchant on Amazon.com. Between May 3-10, 2021, a merchant junwei-us offered three of the same item

for sale. Exhibit 23 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com. On May 24, a merchant honghaiya-us offered three of the same item for sale. Exhibit 24 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com. On June 6, 2021, a merchant guanjiacheng-us offered three of the same item for sale, while the product is showing at least 8 left in stock. Exhibit 25 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com. On June 21, during the annual Amazon's Prime Day, the merchant baiboyuan-us also offered for sale this same item. Exhibit 26 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com. On July 8, the merchant xiangxiang-us was offering three of the same item for sale. Exhibit 27 is a true and accurate reproduction of web capture showing one product listing offered for sale by the named merchant on Amazon.com.

28. Moreover, the merchant xiangxiang-us appears to be selling infringing Gyroor branded products. *Id.* Exhibit 28 shows, on April 1, 2021, xiangxiang-us was offering for sale about five different models of Gyroor branded infringing products. Exhibit 28 is a true and accurate reproduction of web captures showing these five product listings offered for sale by the named store on Amazon.com. Further, xiangxiang-us was selling the same product associated with ASIN B07GFK49QR on April 1, 2021 (see pages 7-14 of Exhibit 28), the *same one* sold by Gyroor US on July 1, 2021.

29. Also, pages 1-6 of Exhibit 28 identify an infringing product associated with the ASIN B08R23QQT8, which is the same ASIN identified on the modified Schedule A as being associated with the defendant Gaodeshang-US.

30. Pages 15-23 of Exhibit 28 identify that xiangxiang-us offered to sell an infringing product associated with the ASIN B07PG8VYBK, which was also offered for sale by kangjuxin-us, junwei-us, honghaiya-us, guanjiacheng-us, and baiboyuan-us, as identified above.

31. Furthermore, pages 24-32 of Exhibit 28 identify an infringing product associated with the ASIN B07PHFP8GB. This ASIN is associated with defendants Gyroor-US, Jiangyou-US, Runchenyun, Urbanmax, and Hgsm storefront on the modified Schedule A. Dkt. [227].

32. Also, pages 33-40 of Exhibit 28 identify an infringing product associated with the ASIN B0779826VN (footer of these pages), and another merchant rongjiamao-yi-us was selling the same product on or about April 27. Exhibit 29 is a true and accurate reproduction of web capture that identifies the merchant information on Amazon.com with the footer of the page (which is reflected on page 1 of Exhibit 29) also identifying the ASIN B0779826VN.

33. Moreover, another merchant zhipeng-US was selling the same infringing product associated with the ASIN B07S4KXRQR on April 8, 2021. Exhibit 30 is a true and accurate reproduction of web capture showing at least one product listing offered for sale by the named store on Amazon.com. Again, the footer of Exhibit 30 also identifies the related ASIN B0779826VN. Exhibit 31 is a true and accurate reproduction of web capture that identifies the merchant information of zhipeng-US on Amazon.com.

34. This infringing product is also associated with a different ASIN B07S4KXRQR on page 36 of Exhibit 28 and page 4 of Exhibit 30. This ASIN B07S4KXRQR is associated with the defendant Gyroor on the modified Schedule A. Dkt. [227].

35. Exhibit 32 is a true and accurate reproduction of web capture showing the same product (ASIN B07S4KXRQR) offered for sale on June 6, 2021 by yet another merchant—guirong-us—on Amazon.com. Exhibit 33 is a true and accurate reproduction of web capture

showing the same product listing offered for sale on May 27, 2021 by yet another merchant minghuangsheng-us on Amazon.com; Exhibit 34 is a true and accurate reproduction of web capture that identifies the merchant information on Amazon.com; and Exhibit 35 is a true and accurate reproduction of web capture showing at least three units of the same product listing offered for sale by yet another merchant yutongcheng-us on May 19, 2021 on Amazon.com; and Exhibit 36 is a true and accurate reproduction of web capture that identifies the merchant information on Amazon.com.

36. The merchant minghuangsheng-us also offered to sell another infringing Gyroor brand product with an ASIN B08RYMXRWM on May 27, 2021, which appears to be another variant of the ASIN B07PG8VYBK. Exhibit 37 is a true and accurate reproduction of web capture showing at least one product listing offered for sale by the named store on Amazon.com.

37. Also, for the ASIN B088NT551P4 as being associated with the defendant Fengchi-US, the merchant yaohuisheng-us also offered the same item for sale on June 16, 2021 but with yet two another different ASINs: B08NSYZMHY (footer of Exhibit 38) and B08VXGN6TR (page 4 of Exhibit 38). Exhibit 38 is a true and accurate reproduction of web capture showing the one product listing offered for sale by the named store on Amazon.com.

38. On July 8, 2021, the merchant xiangxiang-us offered for sale of the same product associated with the ASINs B088NT551P4 and B08VXGN6TR (as shown in Exhibit 39) as well as yet a “colorful LED tire-black” variant, as shown in Exhibit 40. Exhibits 39 and 40 are true and accurate reproductions of web captures showing at the product listings offered for sale by the named store on Amazon.com.

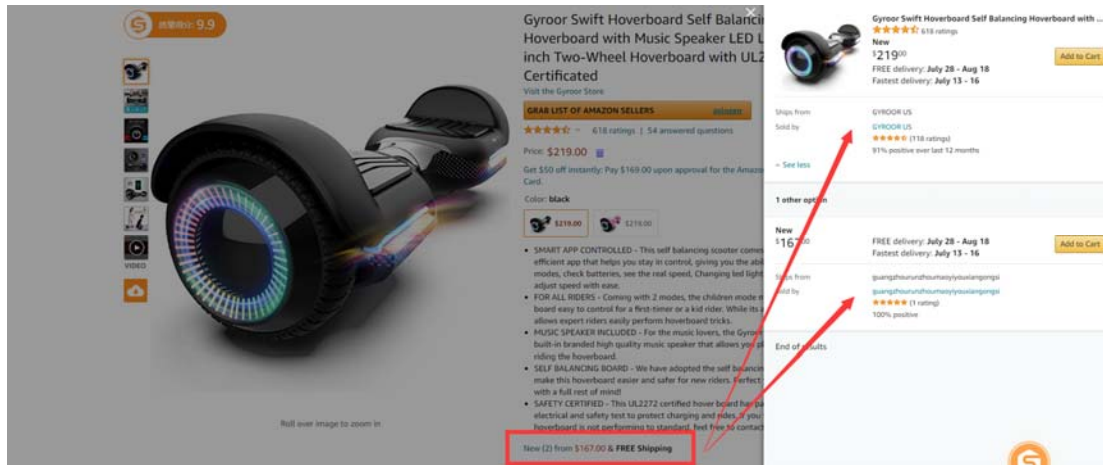
39. In summary, table 1 below shows merchants who were found to have offered to sell or have sold Gyroor branded infringing products in addition to those already on the modified

Schedule A, such as Gyroor, Gyroor US, Fengchi-US, hgsm storefront, Urbanmax, and Jiangyou-US:

No.	Amazon Merchant Name	Amazon Merchant ID
1	xiangxiang-us	A35GA6R9D0UV0D
2	yaohuisheng-us	A17P73Q4CL7ADK
3	shanchun-us	A2NUD2WSEZ9ZT
4	baiboyuan-us	A3OBV1BHJSJBH1
5	guangzhourunzhoumaoyiyouxiangongsi	AMPT122SDFWCA
6	kangjuxin-us	A3FGA3GPJLAIE
7	zhonghongxin-us	A25PYSLZ5XW50W
8	honghaiya-us	AIFII05V4L3I3
9	junwei-us	A19J9XVUEEK8QR
10	yuwei-us	A4MTNVPTGXZZH
11	yutongcheng-us	A1JCDB3MNAG9AX
12	yanjin-us	A17JZOCRNFIQD9
13	minghuangsheng-us	A1042U6O0WK9FR
14	guirong-us	A3C03X9QJLWAJO
15	guanjiacheng-us	A1BKW1NUP4TNYD
16	zhipeng-us	A14K5GI4JEB6O5
17	rongjiamaoyi	A2DA8CSKTCC66B
18	Runchenyun	AW9IVF0R92969

40. A recurring challenge for enforcement of intellectual property rights on marketplaces like Amazon is short-lived storefronts. Such storefronts pop up briefly to selling infringing products, then close after a short period of time to be replaced by other storefronts. Such tactics allow storefronts to evade enforcement actions, because they do not stay active long enough to be subjected to any asset restraints. The above storefronts or merchants in Paragraph 39 appear to follow this pattern.

41. Moreover, these short-lived storefronts or merchants are also acting as “tag-along merchants” for the brand Gyroor. An obvious example of a “tag-along merchant” is shown in the screenshot of an infringing product below:



In the screenshot, the brand owner would create the product's ASIN and the product's description webpage—sometimes referred to as a “listing.” After the webpage is created and when more than one merchant is selling the same product, Amazon.com currently provides a link showing “New (2) from \$167.00 & FREE Shipping” after the summary of the product webpage. This is the location that indicates a “tag-along merchant” exists. The number of the “tag-along merchant” and the pricing may vary. Exhibit 41 is a true and accurate reproduction of web capture showing “New (3) from \$167.00 & FREE Shipping” of the same listing on Amazon.com. After clicking on the link, a new side panel will appear showing the original merchant (usually the first listing) and the additional merchant. In the screenshot example, the original merchant appears to be GYROOR US, selling the item at \$219.00, while one other merchant is guangzhouhourunzhoumaoyiyouxiangongsi, who is selling at \$167.00.

42. Also, the clickable link “Visit the Gyroor Store” appears to invite consumers to visit a collection of related products offered by the brand owner “Gyroor,” and “Visit the Gyroor store” webpage belongs to the brand owner “Gyroor”. Exhibit 42 is a true and accurate reproduction of web capture of the Gyroor Store on June 25, 2021.

43. In the above example, if a tag-along merchant is selling the same product at a lower price and places the listing next to the original merchant's listing on a product description and

webpage created by the brand owner, the tag-along merchant is typically not authorized by the brand owner or the original merchant. That juxtaposition of the two products at differing price points would allow a consumer to purchase the product at a lower price from that tag-along merchant.

44. Typically, a brand owner, a licensee to the brand owner, or the original merchant would not allow an unaffiliated entity or an entity who is not acting or working in concert with the brand owner, the licensee, or the original merchant to undercut the brand owner's sales price of the same product.

45. When there is only one merchant selling the product, the ASIN would only identify one merchant, and therefore, the link providing information such as "New (2) from \$167.00 & FREE Shipping" will not appear on the product page, as seen in Exhibit 10.

46. In addition to these numerous stores on Amazon.com, Gyroor Defendants also sell, offer for sale, and ship in the US products identified in the preliminary injunction order. As indicated above, Plaintiffs were able to first purchase an Gyroor branded infringing product on January 4, 2021 on gyroorboard.com as shown in Exhibit 5.

47. On April 13, 2021, Gyroorboard.com also offered for sale one or more infringing products on its website. Exhibit 43 is a true and accurate reproduction of web capture showing at least one product listing offered for sale on gyroorboard.com.

48. This offer for sale activity appeared on April 28, as shown in Exhibit 44, which is also a true and accurate reproduction of web capture showing at least one product listing offered for sale on gyroorboard.com.

49. As of July 8, 2021, similar items as identified in preceding sections were also for sale on Gyroorboard.com. Exhibit 45 is a true and accurate reproduction of web capture showing at least one product listing offered for sale on gyroorboard.com.

50. As of July 12, 2021, similar items as identified in preceding sections are also for sale on Gyroorboard.com. Exhibit 46 is a true and accurate reproduction of web capture showing at least one product listing offered for sale on gyroorboard.com.

I declare under penalty of perjury that the foregoing is a true and correct.

Executed on July 13, 2021, Chicago, IL.

/s/ Arthur Tan-Chi Yuan
Arthur T. Yuan.